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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,400	10/07/1999	JOHN W. SHERRY	884.166US1	3252

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EXAMINER	
FLETCHER, JAMES A	

ART UNIT	PAPER NUMBER
2615	4

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/414,400

Applicant(s)

SHERRY, JOHN W.

Examiner

James A. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7-11, 16-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Shipp (6,031,526).

Regarding claims 1, 2, and 8, Shipp discloses a camera comprising:

- a photo-sensitive array to capture an image (Fig. 1, item 11 "VIDEO CAMERA" and Col 1, lines 51-52 "a CCD camera");
- a microphone (Fig. 1, item 18 "MIC");
- a memory (Fig 1, item 22 "FILE MEMORY"); and
- a processor coupled to the photo-sensitive array, microphone and memory (Fig 1, item 21 "WORD PROCESSING MODULE"), which converts audio input provided by the microphone into text and the text as a single file in the memory (Col 4, lines 1-4 "the electronic images representing the stored frames are converted by word processing module 21 into viewable images and directly integrated into an electronic word processing document...along

with the electronic document containing the text dictated by the surgeon. The combination of the readable text and a viewable image then constitutes a comprehensive medical record which can be stored in memory 22”).

Regarding claims 3 and 11, Shipp discloses a camera wherein the processor is to additionally store the text as a separate digital data file in the memory (Col 3, lines 33-38 “word processing module 21 includes both hardware and software which receives the output from voice recognition module and converts into an editable and readable electronic document...for storage in a volatile or non-volatile computer memory 22”).

Regarding claims 5, 7, 9, and 10, Shipp discloses a camera comprising an input control to activate the processor to capture audio input provided via the microphone, and where the input control is an audio command provided via the microphone to the processor (Col 3, lines 47-50 “Voice recognition module 20 also includes software implemented algorithms which have been taught to recognize certain words or word combinations as voice commands, including system operation”)

Regarding claim 16, Shipp discloses a camera system comprising:

- a microphone (Fig. 1, item 18 “MIC”), a memory (Fig 1, item 22 “FILE MEMORY”), and a photo-sensitive array for capturing an image (Fig. 1, item 11 “VIDEO CAMERA” and Col 1, lines 51-52 “a CCD camera”); and
- a processor coupled to the camera, the processor converts audio input provided by the camera into text (Fig 1 shows the voice recognition module 20 as being separate from video camera 11) and combines the text and the image provided by the camera into a common data file (Col 2, lines 34-36

“The captured video frame is integrated with the dictated text and then constitutes an electronic medical record”)

Regarding claims 17 and 19, see examiner’s remarks regarding claims 5, 7, 9, and 10

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shipp.

Regarding claims 6 and 18, Shipp discloses a switch for capturing images (Fig 1, item 26 “FRAME GRAB SWITCH”), but does not disclose the use of such a switch for the purposes of capturing audio data.

The examiner takes official notice that a switch is a notoriously well-known, widely used, and commercially available means of signaling a circuit to commence an operation.

Therefore, it would have been obvious to modify Shipp in order to use a switch as an input control to capture audio input provided via the microphone.

6. Claims 12, 15, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al (4,742,369), and further in view of Shipp.

Regarding claims 12, and 15, Ishii et al disclose a method of operating a camera comprising:

- activating a shutter of the camera to capture a light image (Col 5, line 53 "shutter switch is depressed");
- converting the light image to digital image data (Col 5, lines 54-55 "the object image is sensed by sensor and written in memory");
- capturing audio input (Col 14, lines 60-64 "A voice input through microphone is supplied to A/D...converter through filter and amplifier"); and
- converting the audio input into text data (Col 14, lines 60-66 "a voice input through microphone...is then written in image memory. Thus, arbitrary additional data can be input easily" and Col 14, lines 49-54 "arbitrary additional data...is then converted into pattern data by character generator and supplied to image memory").
- storing the text data and the digital image data as a single digital data file in a memory of the camera (Col 14, lines 60-66 "a voice input through microphone...is then written in image memory. Thus, arbitrary additional data can be input easily" and Col 14, lines 49-54 "arbitrary additional data...is then converted into pattern data by character generator and supplied to image memory").
- Ishii is silent regarding the activating of an audio input.

Shipp teaches a camera comprising an input control for activating the processor to capture audio input provided via the microphone (Col 3, lines 47-50 "Voice

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recognition module 20 also includes software implemented algorithms which have been taught to recognize certain words or word combinations as voice commands, including system operation").

Open microphones are known to pick up extraneous noise and comments, which may or may not have pertinence to the task at hand, in this case providing extra information regarding an image taken by a still camera. Controlling that microphone so the extra information to be stored with the image is identified minimizes the possibility of extraneous and erroneous data being stored with the image.

Therefore, it would have been obvious to one of ordinary skill in the art to provide a suitable means for controlling the recording of extra data associated with the image.

Regarding claim 20, see examiner's remarks regarding claims 15 and 18.

Further regarding claim 20, Ishii suggests storing the audio data as a separate from the video (Col 15, lines 4-6 "additional data can be stored directly in a memory and can be converted into image data in a reproduction...mode"), but do not specifically disclose recording audio data as a separate file.

Shipp teaches storing audio data as a separate file (Col 3, lines 33-38 "word processing module 21 includes both hardware and software which receives the output from voice recognition module and converts into an editable and readable electronic document...for storage in a volatile or non-volatile computer memory 22").

As suggested by Ishii and taught by Shipp, data of various types are known to be stored in separate files or as single files where all the data is contained.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to store the audio data in a file separate from the image data.

Regarding claims 21 and 22, Ishii et al suggest a method of operating a camera comprising storing the text data as a separate digital file in the memory (Col 14, lines 49-53 “arbitrary additional data...is input using alphabet keys of keyboard...and is then converted into pattern data by character generator¹⁴³ and supplied to image memory ¹⁴⁴” and Col 14, lines 60-66 “A voice input through a microphone...is supplied to and recognized by voice recognition circuit ¹⁵⁵, and is then written in image memory ¹⁵⁶. Thus, arbitrary additional data can be input easily.” The examiner notes that adding voice-supplied data after text has already been added to the image file would require manipulation of only text data, suggesting a separate storage of image and text data.).

Shipp teaches storing the data in a separate file (Col 3, lines 33-38 “word processing module 21 includes both hardware and software which receives the output from voice recognition module and converts into an editable and readable electronic document...for storage in a volatile or non-volatile computer memory ²²”).

Storing the text file separately from the image files allows the file to be edited, and provides for redundant data storage, improving system reliability. Redundant storage is a notoriously well-known, widely used, and commercially available means of providing for improved system reliability.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ishii to store the text data in a file separate from the combined text and image data file.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al and Shipp, as applied to claim 20 above, and further in view of Kondo et al (5,786,851).

Regarding claim 23, the combination does not disclose a method of operating a camera system wherein the audio file is stored as a compressed audio file in the memory.

Kondo et al teach a camera system where the audio is recorded as a compressed audio file in a memory of the camera (Col 16, lines 16-17 "the compressed audio data is recorded to the recording medium").

As taught by Kondo, recording of compressed audio data is a well-known, commercially available, and widely used technique of storing an audio signal for later reproduction. Such use in a portable camera is known to make efficient use of a finite storage medium, improving the performance of the product.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to store the audio data as a compressed audio file.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, DC 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
January 12, 2004


VINCENT BOCCIO
PRIMARY EXAMINER